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09/847,606	05/02/2001	David K. Peck	20101/01401	5598

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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,606

Applicant(s)

PECK ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 and 11-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is responsive to Amendment A, filed 09/01/2004.
2. Claims 1-8, and 11-32 are currently pending in this application. Claims 1, 7 and 13 are independent claims. Applicant cancelled claims 9-10.

***Drawings***

3. The Amended drawings were received on 09/01/2004. The drawing of FIG. 2, element 30, is acknowledged.

***Specification***

4. The Amended specifications were received on 09/01/2004. The specification correction pages 2-3 of 14 are acknowledged; and also the correction of the Abstract on page 14, is acknowledged.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

Claims 7-8, 11-26 and 29-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims invention set forth non-functional descriptive material but fails to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e. a computer) to produce a "useful, concrete and tangible" result.

Claims 7-8, 11-26 and 29-32 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1- 2, 5-6, 11-12 and 27-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over by Matthews et al. (hereinafter Matthews) "Complete Reference FrontPage 2000" (Public Release 1999, By Osborn/McGraw-Hill, Ca, USA).**

**,in view of Hanson et al. US006101509A - filed 09-27/1996 (hereinafter '509).**

**In regard to independent claim 1, "receiving from a user an indication of a selected portion of a Web-based document to be edited and of a desired editing function to be performed on the selected portion", as taught by Matthews at pages 499-506(i.e. ... insert HTML to modify ... HTML authoring...),**

**Matthews does not explicitly teach, " inserting immediately prior to the selected portion a first editing tag corresponding to the desired editing function; detecting object**

*tag elements within the selected portion; inserting immediately prior to each object tag element within the selected portion a second editing tag corresponding to the desired editing function and inserting the second tag at the end of the selected portion; and inserting immediately after each object tag element within the selected portion the first editing tag, wherein the first and second editing tags are distinguishable from the object tag elements*", however as taught by '509 at col. 1, lines 15-15 (i.e.... HTML tags are inserted at the appropriate locations in a Web document to inform a Web browser how to display the various kinds of information in the Web document... HTML tags are typically paired. For example, the pair of tags "<html>" and "</html>" on lines 1 and 9 of FIG. 1 identifies the information contained between the tags as an HTML document. The HTML document is comprised of a header indicated by the pair of tags "<head>" and "</head>" on lines 1 and 2, and a body indicated by the pair of tags "<body>" and "</body>" on lines 2 and 8, respectively... Tag-based editors, also known as HTML editors, were developed to provide HTML extensions. The HTML extensions allow a user to edit a document, select a segment of the document and choose an appropriate HTML tag from a pull down menu or the like to insert the HTML tags around the selected segment of the document...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '509 into Matthews' teaching, to provide a way, wherein inserting immediately prior to the selected portion a first editing tag corresponding to the desired editing function; detecting object tag elements within the selected portion; inserting immediately prior to each object tag element within the

selected portion a second editing tag corresponding to the desired editing function and inserting the second tag at the end of the selected portion; and inserting immediately after each object tag element within the selected portion the first editing tag, wherein the first and second editing tags are distinguishable from the object tag elements. One of the ordinary skills in the art would have been motivated to perform such a modification to obviate the need for a user to learn the specific keystroke sequences representing a given pair of HTML tags and allow greater attention to be paid to the visual appeal and format of the final Web document, as taught by '509 at col. 2, lines 10-35 (i.e., obviates the need for a user to learn the specific keystroke sequences representing a given pair of HTML tags...).

**In regard to dependent claim 2**, *"the first editing tag opens the desired editing function and the second editing tag closes the desired editing function"*, as taught by Matthews at page 468, table 13-3 (i.e., <B> </B> applies the Bold physical character style to the enclosed character).

**In regard to dependent claims 5-6**, incorporate substantially similar subject matter as cited in claims 1-2 above, and are similarly rejected along the same rationale.

**In regard to independent claim 7**, is directed to a software package for performing the method of claim 1, and is similarly rejected along the same rationale.

**In regard to dependent claim 8**, is directed to a software package for performing the method of claim 2, and is similarly rejected along the same rationale.

**In regard to dependent claims 11-12**, are directed to a software package for performing the method of claims 1-2, and are similarly rejected along the same rationale.

**In regard to dependent claim 27**, *"receiving the indication of the desired editing function includes receiving a user selection of the desired editing function from an editing toolbar or a pull down menu"*, as taught by Matthews at pages 512-513 (i.e. ... DHTML Effects toolbar...).

**In regard to dependent claim 28**, *"receiving the indication of the selected portion of the Web-based document to be edited includes receiving a user input highlighting the selected portion"*, as taught by Matthews at pages 462-467 (i.e. ... using color...table 13.2..listing 13.2...color, shade...).

**8. Claims 3-4, 13-26 and 29-32 are rejected under 35 U.S.C. 103(a) being unpatentable over Matthews et al. (hereinafter Matthews), "Complete Reference FrontPage 2000" (Public Release 1999, By Osborn/McGraw-Hill, Ca, USA), in view of Arawal et al US20020004813A1 - filed 03/05/2001 (hereinafter '813).**

**In regard to dependent claim 3**, Matthews does not explicitly teach, *"saving a portion of the Web-based document including the first and second editing tags; and reinserting the first and second editing tags into the Web-based document where the first and second editing tags were inserted prior to being saved"*, however as taught by '813 at page 3, paragraph [0032], [0033] and [0036] – [0037] (i.e... XML or HTML document...requested from a Web server from a client browser may include a script ... as individual rectangular portions of the active area of the browser 200 and labeled A,

B, C and D... FIG. 2 is included herewith to illustrate the finer granularity of the partial page caching methodologies ... each page block may be assigned or have caching properties associated therewith... partial page caching may be implemented using a cache tag library in JSPs... shown in FIG. 4 by the start tag<Tag Extension>and the end tag</Tag Extension>. The start tag includes the attributes "caching properties", in which the caching properties defining the conditions under which the cacheable data block is to be invalidated are identified...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '813 into Matthews' teaching, to provide a way, wherein saving a portion of the Web-based document including the first and second editing tags; and reinserting the first and second editing tags into the Web-based document where the first and second editing tags were inserted prior to being saved. One of the ordinary skill in the art would have been motivated to modify this combination to provide an efficient caching method, wherein a Web server uses fewer resources, especially Central Processing Unit resources to service a client's HTTP request. The ability to cache and to efficiently retrieve cached pages improves the server's performance (reduced response time) as well as its capacity to acceptably accommodate a greater number of users than it would otherwise have been able to serve without resorting to caching, as taught by '082 at page 1, paragraph [0010] (i.e... As a result of efficient caching, a Web server uses fewer resources, especially Central Processing Unit resources to service a client's HTTP request...).



**In regard to dependent claim 4**, incorporate substantially similar subject matter as cited in claims 1-3 above, and are similarly rejected along the same rationale; and also as taught by Matthews at pages 412-416 (i.e....using absolute positioning...).

**In regard to independent claim 13**, incorporate substantially similar subject matter as cited in dependent claims 1 and 3 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 14**, is directed to a computer readable medium for performing the method of claim 13, and is similarly rejected along the same rationale.

**In regard to dependent claims 15-18, 20-22, and 24-26**, incorporate substantially similar subject matter as cited in dependent claims 1 and 3 above, and is similarly rejected along the same rationale. Examiner reads editing, which could interpreted as claimed, "removing the editing tags".

**In regard to dependent claim 19**, "*the view includes color*", as taught by Matthews at pages 463-463 (i.e. ... using color...).

**In regard to dependent claim 23**, "*the context portions include n words before and after each editing tag*", as taught by Matthews at pages 466-472 (i.e. ...  
<H1 Class=red>This heading would be in the H1.red style</ H1...).

**In regard to dependent claims 29-32**, are directed to a software package for performing the method of claim 7 and 3, and are similarly rejected along the same rationale.

***Response to Argument***

9. Examiner has completed a through study of Applicant's Amendments of 09/01/2004; have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Quoc A. Tran**

**Patent Examiner**

**Technology Center 2176**

**January 24, 2005**



**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**